1	SENATE BILL NO. 433
2	INTRODUCED BY LIND
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND
5	HUMAN SERVICES TO ESTABLISH A PILOT PROGRAM FOR THE USE OF MEDICAID FUNDS NOT
6	EXPENDED FOR THE PROVISION OF BASIC HEALTH AND SAFETY SERVICES BY INDIVIDUALS WITH
7	DEVELOPMENTAL DISABILITIES; REQUIRING THE DEPARTMENT TO ESTABLISH INDIVIDUAL
8	ACCOUNTS FOR CERTAIN PERSONS WITH DEVELOPMENTAL DISABILITIES; LIMITING THE PURPOSES
9	FOR WHICH THE FUNDS IN THE ACCOUNTS MAY BE USED; REQUIRING THE DEPARTMENT TO
10	MONITOR THE USE OF THE ACCOUNTS; REQUIRING A REPORT TO THE LEGISLATURE; AUTHORIZING
11	THE DEPARTMENT TO ADOPT RULES FOR PURPOSES OF THE PILOT PROGRAM; AND PROVIDING AN
12	EFFECTIVE DATE AND A TERMINATION DATE."
13	
14	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
15	
16	NEW SECTION. **Section 1. Department to establish pilot program -- use of allocated funds --**
17	**report required -- rulemaking.** (1) The department shall establish a pilot program for individuals with
18	developmental disabilities. The pilot program must be limited to those individuals in a community-based program
19	for which the department receives medicaid funding pursuant to a waiver from the federal government under
20	the provisions of section 1915(c) of the Social Security Act, 42 U.S.C. 1396n(c). The purpose of the pilot program
21	is to test the feasibility of the receipt and use of medicaid funding not expended by the individuals for their basic
22	health and safety services needs by individuals with developmental disabilities for services in addition to or to
23	reinforce those necessary for basic health and safety.
24	(2) As part of the pilot program, the department shall identify and allocate to each individual with a
25	developmental disability, as defined in 53-20-102, chosen for the pilot program general fund money to be used
26	for the care of the individual. The individual may choose to place up to one-half of the money not needed by
27	the individual for basic health and safety services in an individual waiver account established by the department.
28	(3) Money allocated in an individual waiver account may be used by the individual with a developmental
29	disability for whom the account is established only for the purchase of one or more additional waiver services
30	not needed for the basic health and safety of the individual or to reinforce basic health and safety services.

1   Those additional or other services must be determined by the individual, the individual's case manager, and the

2   individual's guardian, if a guardian has been appointed.

3   (4) If the person with a developmental disability for whom an account is established dies or changes

4   residency to another place outside of Montana, money remaining in the account is within the sole control of the

5   department.

6   (5) In establishing and conducting the pilot program, the department may determine conditions and

7   operating features of the pilot program necessary for the success of the program. The pilot program may be

8   used for no more than 50 persons with developmental disabilities, as selected by the department.

9   (6) The department shall monitor the use of the individual waiver accounts and provide a report to the

10   legislature on the feasibility and desirability of establishing accounts for other persons with developmental

11   disabilities cared for in a community-based program. The report must be made to the legislature as provided in

12   5-11-210.

13   (7) The department may adopt rules to implement this section.

14

15   NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an

16   integral part of Title 53, chapter 20, part 2, and the provisions of Title 53, chapter 20, part 2, apply to [section 1].

17

18   NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2005.

19

20   NEW SECTION. **Section 4. Termination.** [This act] terminates January 1, 2011.

21   - END -